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POTENTIAL POLICY VIOLATIONS

PERSONNEL INVESTIGATION REPORT

TRANSCRIBED INTERVIEWS

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Lieutenant Robert Rifkin.
Deputy Darrin Wilkinson.
Deputy [redacted]
Deputy [redacted]
SCC II [redacted]

EXHIBITS:

A District Attorney's Criminal Filing (TA0655280) dated June 5, 2002.

B Grand Jury indictment (BA245204) dated May 27, 2003.

C Court docket relating to October 30, 2003, court action.

D List of the 74 cases submitted by Deputy Wilkinson in January 2002.

E List of final outcome of involved cases and LARCIS stat code definitions.

F Deputy Wilkinson's Training Records.

G Compton Station O.S.S. Payroll Time Records from 12-31-00 thru 02-02-02.

H Reports and documents relating to incident 401-02218-2836-051.

I Reports and documents relating to incident 401-09317-2812-089.

J Reports and documents relating to incident 001-01129-2812-065.

K Reports and documents relating to incident 401-02252-2812-051.

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Y-5 Reports and documents relating to incident 401-10641-2872-044.

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Y-7 Reports and documents relating to incident 401-04107-2812-037.

Z-1 Reports and documents relating to incident 401-01864-2851-031.

Z-2 Reports and documents relating to incident 401-00185-2873-041.

Z-3 Reports and documents relating to incident 401-17640-2852-290.

AA Sixteen referenced Case Activity Logs form other Compton Station O.S.S. investigators.

MISCELLANEOUS DOCUMENTS (I.A.B.):

1. Request for Criminal Investigation by Captain Willie Miller, Safe Streets Bureau, dated January 28, 2002.
2. Request for Criminal Investigation by Chief Doyle Campbell, Special Operations Bureau, dated January 28, 2002.
3. Request for Administrative Investigation by Chief Campbell, dated January 29, 2003.
4. Documents relating to Deputy Wilkinson's Releif of Duty (various dates).
5. Administrative Rights forms for Deputy Wilkinson.
6. Receipt for Documents signed by Subject Wilkinson on January 15, 2004.

MISCELLANEOUS DOCUMENTS (I.C.I.B.):

1. Remaining documents from I.C.I.B case 402-00009-2003-325, which were not incorporated into the I.A.B. case.

2. Remaining documents from I.C.I.B case 403-00002-2003-325, which were not incorporated into the I.A.B. case.

COUNTY OF LOS ANGELES SHERIFF'S DEPARTMENT
PERSONNEL INVESTIGATION
(NARRATIVE)

NATURE OF THE CASE

This case involves allegations that Subject Deputy Darrin Wilkinson did not conduct follow-up investigation on multiple cases which were assigned to him when he was working Safe Street Bureau - Compton Station O.S.S., as a gang detective. It is further alleged that he falsified Case Activity Logs and Case Closure Reports when he closed the cases.

The allegations were investigated by Sergeant Henry Garza, of Internal Criminal Investigations Bureau. On June 5, 2002, the case was presented to the Los Angeles County District Attorney for criminal filing. The District Attorney filed 10 felony counts of FILING A FALSE REPORT (118.1 P.C.) against Deputy Wilkinson. A copy of the criminal filing (TA065280) is located in this case as **Exhibit-A**.

On February 26, 2003, all charges against Deputy Wilkinson were dropped, when it was determined additional information was available and further investigation was appropriate. Internal Criminal Investigations Bureau re-opened their investigation.

> **I.A.B. Note:** Sergeant Garza, of Internal Criminal Investigations Bureau, was the handling investigator on the criminal investigation. His investigation is maintained under case numbers **402-00009-2003-325** and **403-00002-2003-325**.

As a result of the additional investigation, Deputy Wilkinson was indicted by the Los Angeles County Grand Jury, on May 27, 2003, for 32 felony counts of FILING A FALSE REPORT (118.1 P.C.) and/or FALSIFICATION OF PUBLIC RECORDS (6200 G.C.). A copy of the Grand Jury indictment is located in this case as **Exhibit-B**.

On October 30, 2003, Deputy Wilkinson appeared before Judge Allen J. Webster Jr., in Los Angeles County Superior Court - Department SCB. On that day, Deputy Wilkinson entered into a plea bargain agreement with the Los Angeles County District Attorney's Office. As a result of the plea bargain agreement, Deputy Wilkinson pled "nolo contendere" to one misdemeanor count of FILING A FALSE REPORT (118.1 P.C.) relating to Count 6 of the Grand Jury indictment. The remaining 31 felony counts were dismissed. Deputy Wilkinson was sentenced to 3 years summary probation and fines totaling $2,800.00. A copy of the court docket relating to this court action is located in this case as **Exhibit-C**.

> **I.A.B. Note:** The case files compiled by Internal Criminal Investigation Bureau have been incorporated into this case either as Exhibits or Miscellaneous Documents.

As the Administrative Investigation was conducted, it was learned there were multiple anomalies in Deputy Wilkinson time records, in relation to information written in his Case Activity Logs and Closure Reports. Of the 31 separate cases included in this investigation, there were eight instances wherein Deputy Wilkinson logged activity in his Investigator's Logs on days which he was not working.

BACKGROUND

Sergeant Allen Harris is the supervisor who first discovered the issues which resulted in this case being generated. Sergeant Harris was interviewed three time during the course of these investigations (once by I.C.I.B. and twice by I.A.B. His transcribed interviews are located within this case). Lieutenant Robert Rifkin was Sergeant Harris' supervisor. He was interviewed by I.A.B. (his transcribed interviews are located within this case).

Sergeant Harris said that in January 2002, Deputy Wilkinson submitted seventy four completed cases for him (Sergeant Harris) to approve. Sergeant Harris said that this was initially troubling to him because of the sheer number of case submitted at one time and the fact that several of them were multiple months old. As he reviewed the cases other issues caused him concern.

Sergeant Harris said as he reviewed the cases prior to approving them, he noted several things which he found peculiar. He said he noted that many of the Case Activity Logs and Closure reports appeared to have the same style of writing and it appeared to him as though the reports had possible been written at the same time with the same pen. He said he also noted an inordinate amount of the cases were closed because the witnesses and/or victims could not be located or were not desirous of prosecution. He also noted the investigation into some of the cases did not seem to make sense, in that the documentation reflected the victims/witnesses were shown photographs of gang members from gangs which did not seem to have any implication in the crimes reports.

Sergeant Harris said as he reviewed the cases he decided to call some of the victims and/or witnesses and conduct audits of the cases. Sergeant Harris said he called several of these individuals who told him they had never been contacted by anyone from the Sheriff's Department following up on the crime committed against them. Sergeant Harris said after having this occur several time, he notified his supervisor, Lieutenant Robert Rifkin, and advised Lieutenant Rifkin of the concerns. Lieutenant Rifkin said he reviewed some of the case and noted the same concerns. He said he also called several of the victims and/or witnesses and was also told by them they had not been contacted by anyone from the Sheriff's Department following up on the crime committed against them.

Lieutenant Rifkin brought the matter to the attention of Safe Streets Bureau Captain, Willie Miller, and ultimately the criminal investigation was requested.

The actual reason the 74 cases were submitted at one time, in January 2002, is a point of disagreement and could not be rectified through this investigation. In January 2002, Safe Streets Bureau decided to assign Deputy Wilkinson to a Federal Gang Task Force. Sergeant Harris said the cases were submitted by Deputy Wilkinson as a matter of clearing his case prior to being reassigned to the task force. Lieutenant Rifkin said he did not know the actual reason, by surmised the same as Sergeant Harris - Deputy Wilkinson was clearing his cases prior to being reassigned. Deputy Wilkinson said the task force assignment had nothing to do with the cases being submitted and they were submitted in the course of normal case clearance.

> **I.A.B. Note:** A complete list of the seventy four case submitted by Deputy Wilkinson to Sergeant Harris in January 2002, can be found in this case as **Exhibit-D**. Of the seventy four cases, the criminal investigation focused on 31 them. Of the 31 cases, the Grand Jury returned indictments relating to 12 of them.

On January 28, 2002, the information learned by Sergeant Harris and Lieutenant Rifkin was forwarded to the Internal Criminal Investigations Bureau, who was requested to investigate the allegations. The criminal case was investigated and adjudicated as previously described. At the conclusion of the criminal case, this Administrative Investigation was begun. The physical evidence in this case consists of the Case Activity Logs and Closure reports prepared by Deputy Wilkinson which are alleged to be false.

INVESTIGATION

This Administrative Investigation will examine the 31 cases addressed in the criminal investigation. The remaining 43 cases were reassigned to various investigators within Safe Street Bureau for follow-up investigation. A list of final disposition of those cases and the associated LARCIS stat code definitions, is contained within this case as **Exhibit-E**.

Deputy Wilkinson's training records are located within this case as **Exhibit-F**. His Payroll Time Records ranging from December 31, 2000, thru February 2, 2002, are located within this case as **Exhibit-G**.

A review of the interviews of the victims and witnesses, as well as the reports prepared by Sergeant Garza, of Internal Criminal Investigations Bureau, were reviewed as part of this Administrative Investigation. Those interviews and reports are comprehensive.

Consequently, those individuals were not reinterviewed by Internal Affairs Bureau investigators.

The following individuals were interviewed:

Sergeant Allen Harris and Lieutenant Robert Rifkin, who provided background information on the case.

Deputy Wilkinson was interviewed on February 10, 2004.

Detectives [redacted] and [redacted] who worked Compton O.S.S. with Deputy Wilkinson, provided information about issues raised by Deputy Wilkinson.

Compton O.S.S. Secretary [redacted] who also provided information about issues raised by Deputy Wilkinson.

Prior to detailing each of the 31 cases this investigation involves, the time record discrepancies can be addressed. During his interview Deputy Wilkinson conceded that the discrepancies existed. He said he could not specifically address each of the eight instances. However, he provided a global explanation for them. He said he often took cases home and worked on them during his own time. He said there were occasions when he actually went to Compton Station and worked on his cases on his days off. Finally, he said he could have simply made a mistake on his documentation. He illustrated how such mistakes could be made by describing how he may have been in the field working a particular case and located a person implicated in another case and talked to them. Since he was not expecting to talk to the person, he would not have his Activity Log with him. Several days later, when he went to update his log, he may have simply put the wrong date on it. He said each of these possible explanation were commonplace with detectives, particularly at Compton O.S.S.

In an effort to verify or refute Deputy Wilkinson's explanation, Sergeant Morris, of Internal Affairs Bureau, went to Compton Station O.S.S. and located the closed cases from the same time frame as the ones relating to this case. Sixteen cases completed by other investigations were randomly selected from the files. A review of those sixteen Case Activity Logs and Closure Reports revealed nine instances wherein the investigator had information or activity logged on a day which their time records reflect they were on a day off.

The sixteen example cases are located within this case as **Exhibit-AA**. The respective deputy's time records are located within Exhibit-G.

During his interview Deputy Wilkinson went into great detail describing the volume and quality of investigations which were accepted at Compton O.S.S. during the period of these incidents. It was his position that this contributed to the quality of his work and the appearance of wrongdoing on his part. Refer to Deputy Wilkinson's transcribed interview for the specific information he provided. Detectives [redacted] and [redacted] and Secretary [redacted] were each interviewed in an effort to support of refute what Deputy Wilkinson said about that issue. The transcribed interviews of each of these individuals can be found within this case.

INVESTIGATIVE INFORMATION ON THE 31 INCIDENTS INVESTIGATED:

The following are an overview of each of the cases this investigation addressed, as well as the statements of the victims and/or witnesses and the statement of Deputy Wilkinson.

Exhibit-H. [redacted]

This incident resulted in the filing of charges 1 and 2 in the Grand Jury Indictment, Exhibit-B. This incident involves the shooting at a car (246 P.C.). The First Report, Deputy Wilkinson's Case Activity Log, and the investigative report prepared by Sergeant Garza, of Internal Criminal Investigations Bureau, are collectively contained in this case as **Exhibit-H.** There is no Closure Report by Deputy Wilkinson in this instance.

The First Report details that on February 8, 2001, two women (Victims [redacted] and [redacted] who are [redacted] and [redacted] respectively) were driving in their car when unknown persons shot the rear window out. The report notes that the father of Victim [redacted] is a [redacted] gang member. The case was assigned to Deputy Wilkinson on February 12, [redacted]

> **I.A.B. Note:** There is a conflict regarding the final disposition of the case. Sergeant Harris stated this case was one of the 74 cases submitted by Deputy Wilkinson in January 2002. (Refer to his interview for the specific information.) Deputy Wilkinson stated he did not submit this case and it was apparently taken from his desk. He cited the absence of a Closure Report as evidence of this. Deputy Wilkinson said for all practical purposes he had closed this case in June 2001, but had not submitted it because he was trying to recollect information needed for his Closure Report.

Deputy Wilkinson's Case Activity Log reflects that he contacted the victim (unknown which one) on February 13, 2001, but received no further information. It also indicates that some information relating to the victim's vehicle was associated with a homicide, but no specifics were noted. His Case Activity Log reflects the case was closed on June 28, 2001.

Sergeant Henry Garza, of Internal Criminal Investigations Bureau contacted both victims on February 27, 2003.

Victim [redacted] said aside from the initial deputies who responded to the incident, no one from the Sheriff's Department had ever contacted her about the incident. Victim [redacted] was shown a picture of Deputy Wilkinson. She said she had never seen him before.

Victim [redacted] said she had never been contacted by anyone from the Sheriff's Department, either in person or on the telephone. She added that the address listed on the Incident Report was not actually her address or her [redacted] but that of her [redacted] and is [redacted]. She said they did not live at that address and could not have been contacted there.

Through the investigation it was learned that [redacted] had relocated to Mexico and was not reachable. [redacted] was interviewed by Sergeant Garza on March 6, 2003. Ms. [redacted] said to her knowledge no one from the Sheriff's Department ever contacted her or [redacted] looking for the victims or seeking information about the incident.

Deputy Wilkinson said he could not recall much information about his investigation into this incident. He was unable to state which of the two victims he contacted, where the contact took place, or any specifics about the contact.

He said he had not officially closed this case and it was on his desk. He said he was trying to recall some of the information before he completed a Closure Report, but for all practical purposes he stopped working it in June 2001.

When asked about Victim Munoz' contention that they could not have been contacted at the address or phone number on the report, because they were not accurate, Deputy Wilkinson said he could not recall enough about the incident to respond.

Deputy Wilkinson's information which is specific to this incident can be found beginning on page 47 of his transcribed interview.

[redacted] - Exhibit-I

This incident resulted in the filing of charges 3, 4, and 5 in the Grand Jury Indictment, Exhibit-B. This incident involves Grand Theft and Criminal Threats (487 P.C. and 422 P.C.). The First Report, Deputy Wilkinson's Case Activity Log, his Closure Report, and the investigative reports prepared by Sergeant Garza, of Internal Criminal Investigations Bureau, are collectively contained in this case as **Exhibit-I.**

The First Report details that on June 9, 2001, the victim of these crimes, [redacted] reported that his [redacted] stole his digital camera and threatened to shoot him. Two witnesses to the crimes were also identified.

The case was assigned to Deputy Wilkinson on June 9, 2001, and was submitted as a closed case to Sergeant Harris, in January 2002. However, according to Deputy Wilkinson's Case Activity Log and Closure Report, he closed the case on June 30 2001.

Deputy Wilkinson's Case Activity Log and Closure Report reflect that he contacted Victim [redacted] on June 18, 2001, and learned he ([redacted]) was not desirous of prosecution because the suspect was a family member and the matter would be dealt with within the family. Further, that Mr. [redacted] would not sign a "non-prosecution" form.

> **I.A.B. Note:** Deputy Wilkinson's Case Activity Log reflects an entry dated June 30, 2001, stating several unsuccessful attempts were made to have the victim sign a "non-prosecution" form. His Closure Report is dated June 30, 2001. According to Deputy Wilkinson's Payroll Time Records (Exhibit-G) he was not working on June 30, 2001. This was a Saturday and his first of five days off.

Sergeant Garza, of Internal Criminal Investigations Bureau contacted Victim [redacted] on January 29, 2002, at his home. Mr. [redacted] told Sergeant Garza that aside from the original deputies who responded and took the first report, he had not been contacted by anyone from the Sheriff's Department. Mr. [redacted] denied telling anyone from the Sheriff's Department he was not desirous of prosecution because the suspect was a family member or that the family would address the matter.

Sergeant Garza showed Mr. [redacted] a picture of Deputy Wilkinson and asked if he recognized him or had ever been contacted by him. Mr [redacted] said he recognized Deputy Wilkinson from prior contacts, but that Deputy Wilkinson never contacted him about the theft of his camera.

Deputy Wilkinson said he specifically recalled conducting the follow-up investigation into this incident. He said he contacted Mr. [redacted] in the station lobby at Compton Station. He said Mr. [redacted] was not interested in his stolen camera, but only in his stolen gun, which had been returned and his [redacted] had been arrested. Deputy Wilkinson said from the context of the contact, he took the direct implication that Mr. [redacted] was not interested in anything except the return of his gun.

Deputy Wilkinson's information which is specific to this incident can be found beginning on page 54 of his transcribed interview.

001-01129-2812-065 - Exhibit-J

> **I.A.B. Note:** This case is related to the prior case (Exhibit-I) in that the same victim and suspect are involved. This case is also one of the 74 cases he submitted to Sergeant Harris. However, it is not part of the Grand Jury indictment.

In this incident, Suspect [redacted] is alleged to have stolen a gun from his [redacted] home. The First Report does not name [redacted] as the suspect. However, Deputy Wilkinson determined [redacted] was the suspect through investigation.

The First Report, Deputy Wilkinson's Case Activity Log and his Closure Report are collectively contained in this case as **Exhibit-J**. The investigative report by Sergeant Garza, of Internal Criminal Investigations Bureau, is incorporated into the report located in Exhibit-I.

Deputy Wilkinson's Case Activity Log and Closure Report reflect that he arrested [redacted] on January 26, 2001, then released him two days later, pursuant to 849 (b)(1) P.C., because Victim [redacted] received his gun back and was no longer desirous of prosecution of his [redacted]

During his interview with Sergeant Garza, on January 29, 2002, Mr. [redacted] said subsequent to the arrest that his [redacted] he never spoke to Detective Wilkinson again and never told Detective Wilkinson he was not desirous of prosecution of his [redacted]

During his interview, Deputy Wilkinson went into great detail explaining how he had a telephone conversation with Mr. [redacted] wherein Mr. [redacted] told him he was not desirous of prosecution. Deputy Wilkinson said in response to the phone conversation with Mr. [redacted] he and Detective [redacted] drove to the [redacted] home and attempted to convince Mr. [redacted] to follow through with the prosecution.

Deputy Wilkinson's information which is specific to this incident can be found beginning on page 57 of his transcribed interview.

401-02252-2812-051 - Exhibit-K

This incident resulted in the filing of charges 6,7, and 8 in the Grand Jury Indictment, Exhibit-B. This incident involves an Assault with a Deadly Weapon (245(a)(2) P.C.) and Cruelty to Animals (597 (a) P.C.). The First Report, Deputy Wilkinson's Case Activity Log, his Closure Report, and the investigative report prepared by Sergeant Garza, of Internal Criminal Investigations Bureau, are collectively contained in this case as **Exhibit-K**.

> **I.A.B. Note:** Count 6 of the Grand Jury indictment is the count which Deputy Wilkinson finally pled nolo-contendre to misdemeanor Filing a False Report The circumstances surrounding this incident do not appear to be and more or less substantial than many of the other incidents. According to Sergeant Garza, as the plea bargain was negotiated with the District Attorney's Office this incident was randomly chose as the incident for which the nolo-contendre plea would apply. No one from the Internal Criminal Investigations Bureau, or elsewhere in the Department, was consulted with, or involved in, the plea bargain agreement. Conversely, Deputy Wilkinson said he and his attorney were allowed to select which charge he would plead to and they choose this one.

The First Report details that on February 9, 2001, two individuals (a man and a woman) were outside their house at about 2:30 PM, when two suspects drove past the house and fired several gunshots at them. Neither victim was injured, however, in the volley of gun fire, their dog was shot and killed. The First Report provides vague suspect descriptions, but a relatively specific vehicle description. Six .380 caliber shell casing were recovered as evidence.

The case was assigned to Deputy Wilkinson on February 12, and was submitted as a closed case to Sergeant Harris, in January 2002. However, according to Deputy Wilkinson's Case Activity Log and Closure Report, he closed the case on March 18, 2001.

Deputy Wilkinson's Case Activity Log and Closure Report reflect that he contacted the victim (non-specific as to which one) on February 13, 2001, (four days after the incident) but was not able to obtain any additional information. Further, that Victim Ferguson (the man) was uncooperative. He closed the case on March 18, 2001.

> **I.A.B. Note:** Deputy Wilkinson's Case Activity Log reflects an entry dated March 18, 2001, closing the case because of "No further workable information." His Closure Report is also dated March 18, 2001. According to Deputy Wilkinson's Payroll Time Records (Exhibit-G) he was not working on March 18, 2001. This was a Sunday and was his last of three days off.

Deputy Wilkinson's case Activity Log does not reflect that he conducted any additional investigation into the recovery of the shell casing or the vehicle description.

Sergeant Garza, of Internal Criminal Investigations Bureau, contacted both victims in March 2002. Victim [redacted] (the woman) said she had never been contacted by anyone from the Sheriff's Department about the incident. Victim [redacted] (the man) also said he had never been contacted by anyone from the Sheriff's Department about the incident. However, when Sergeant Garza explained to [redacted] that Deputy Wilkinson said he had spoken to him and he ([redacted] was uncooperative, [redacted] waffled on his statement and said he could not remember if he had spoken to Deputy Wilkinson or not.

During his interview, Deputy Wilkinson admitted that there were other investigative leads which he did not follow-up, but said because of [redacted] uncooperativeness and the general "triage" style of investigations which were done at Compton Station, he did not do it.

He said Deputy [redacted] was with him when he spoke to [redacted] He said he did not speak to [redacted]

> **I.A.B. Note:** Deputy [redacted] recalled being with Deputy Wilkinson when he contacted [redacted] Refer to Deputy Burson's transcribed interview.

Deputy Wilkinson's information which is specific to this incident can be found beginning on page 59 of his transcribed interview.

401-02509-2830-051 - Exhibit-L

This incident resulted in the filing of charges 9,10, and 11 in the Grand Jury Indictment, Exhibit-B. This incident involves an Assault with a Deadly Weapon (245(a)(2) P.C.). The First Report, Deputy Wilkinson's Case Activity Log, his Closure Report, and the investigative report prepared by Sergeant Garza, of Internal Criminal Investigations Bureau, are collectively contained in this case as **Exhibit-L.**

The case was assigned to Deputy Wilkinson on February 14, and was submitted as a closed case to Sergeant Harris, in January 2002. However, according to Deputy Wilkinson's Case Activity Log and Closure Report, he closed the case on March 15, 2001.

The First Report details that on the night February 13, 2001, the victim (a 35 year old black man, who was a known gang member) was shot in the leg. The man was uncooperative with the patrol deputies who conducted the initial investigation and wrote the First Report.

He was unable/unwilling to provide any information about who shot him. However, a resident provided a description of what happened and identified the assailant as a resident of the neighborhood named [redacted] (unknown last name).

Deputy Wilkinson's Case Activity Log and Closure Report reflect that he attempted to contacted the victim on February 16, 2001, and that the victim did not want to talk to the police. *(I A.B. Note: Deputy Wilkinson's Log is unclear in that it states "Attempt to contact victim. Non desirous of taking to the police.)* Deputy Wilkinson also noted that on that same day (February 16, 2001) he contacted the witness, but she was uncooperative as well. However the witness provided a possible address of the suspect as [redacted] Deputy Wilkinson noted in his Case Activity Log that he checked the address at [redacted] but no [redacted] lived there.

Sergeant Garza, of Internal Criminal Investigations Bureau contacted the victim's [redacted] at the address given by the victim. The [redacted] said their [redacted] did not live with them and has not for over 15 years. They said he is homeless. The [redacted] said no one from the Sheriff's Department ever contacted them looking for their [redacted] regarding him being shot. Sergeant Garza also spoke to the witness to this incident. She said she had not spoken to anyone from the Sheriff's Department, either in person or on the telephone, about the incident. The witness was shown a picture of Deputy Wilkinson. She said she did not recognize him.

During his interview, Deputy Wilkinson said he recalled having a conversation with the victim, but could not provide any great detail about the interview. He said he also had a phone conversation with the witness. He said this interview was subsequent to his discussion with the victim and at a time when he already knew the case "was going nowhere." However, he said the victim was a member of [redacted] which were of particular interest to him, so he spoke to the witness in an effort to gather intelligence, although he said the contact was "quick and insignificant."

Deputy Wilkinson's information which is specific to this incident can be found beginning on page 63 of his transcribed interview.

401-05052-2812-032 - Exhibit-M

This incident resulted in the filing of charges 12,13, and14 in the Grand Jury Indictment, Exhibit-B. This incident involves an Armed Robbery of an auto repair shop (211 P.C.). The First Report, Deputy Wilkinson's Case Activity Log, his Closure Report, and the investigative report prepared by Sergeant Garza, of Internal Criminal Investigations Bureau, are collectively contained in this case as **Exhibit-M.**

The case was assigned to Deputy Wilkinson on March 29, 2001, and was submitted as a closed case to Sergeant Harris, in January 2002. However, according to Deputy Wilkinson's Case Activity Log and Closure Report, he closed the case on June 1, 2001.

The First Report details that on the night March 27, 2001, two black men robbed an auto repair shop at gun point (shotgun). The First Report listed very generic descriptions of the two suspects.

Deputy Wilkinson's Case Activity Log and Closure Report reflect that he contacted the victims on April 3, 2001, but obtained not better suspect description. It also reflects that on April 11, 2001, he checked JDIC broadcasts for similar robberies, but found none. His Closure Report reflects that on that date he also showed the victims pictures of [redacted] gang members, but they could not identify anyone. His Closure Report and Case Activity Log reflect that he closed the case on June 1, 2001.

Sergeant Garza, of Internal Criminal Investigations Bureau contacted the victims on January 30, 2002. One of the victims said he was contacted by a detective after the incident, but he did not recall the detective's name. He said he did not recall ever seeing any photographs of possible suspects. The other victim said aside from the initial deputies who responded to the incident, he has not spoke to anyone from the Sheriff's Department.

During his interview, Deputy Wilkinson went into great detail about how he investigated this incident. He had specific recollection about the photos he showed the individuals relating to this case, how he felt this case related to the next incident (Exhibit-N), and to a murder which another detective was handling. Refer to page 67 of his transcribed interview.

Deputy Wilkinson's information which is specific to this incident can be found beginning on page 66 of his transcribed interview.

401-06664-2812-034 - Exhibit-N

This incident resulted in the filing of charges 15,16, and17 in the Grand Jury Indictment, Exhibit-B. This incident involves an Attempted Armed Robbery of a market (664/211 P.C.). The First Report, Deputy Wilkinson's Case Activity Log, his Closure Report, and the investigative report prepared by Sergeant Garza, of Internal Criminal Investigations Bureau, are collectively contained in this case as **Exhibit-N.**

The case was assigned to Deputy Wilkinson on April 27, 2001, and was submitted as a closed case to Sergeant Harris, in January 2002. However, according to Deputy Wilkinson's Case Activity Log and Closure Report, he closed the case on May 25, 2001.

The First Report details that on the afternoon of April 25, 2001, a male black, armed with a small pistol, attempted to rob a small market. The First Report lists a very generic descriptions of the suspect. However, the incident was video taped by the stores surveillance camera.

Deputy Wilkinson's Case Activity Log and Closure Report reflect that he contacted the victim on April 30, 2001, and showed them pictures of [redacted] gang members, but received no suspect identification. No additional investigation is noted in the Case Activity Log. The Case Activity Log and the Closure Report reflect the case was closed on May 25, 2001, because there was no further workable informat on.

Sergeant Garza, of Internal Criminal Investigations Bureau, contacted the manager of the market (Ms. [redacted] on February 4, 2002. Ms. [redacted] was not a direct victim of this robbery and there is no indication she was present when it occurred. Ms. [redacted] said a short period of time after the incident, the victim clerk [redacted] quit her job and left no forwarding address. Ms. [redacted] said to her knowledge, no one from the Sheriff's Department had ever called or come to the market to conduct further investigation into the incident.

On February 28, 2002, Sergeant Garza, of Internal Criminal Investigations Bureau, contacted Victim [redacted] at her home. Ms. [redacted] told Sergeant Garza that no one from the Sheriff's Department ever contacted her about the incident, aside from the initial responding deputies. Ms. [redacted] said no one from the Sheriff's Department had ever showed her any photographs of possible suspects. Sergeant Garza showed Ms. [redacted] a series of photographs of possible suspects which Deputy Wilkinson submitted with his closed case. Ms. [redacted] reiterated that she had not seen the pictures before. Ms. [redacted] was also shown a picture of Deputy Wilkinson. She said he did not look familiar.

> **I.A.B. Note:** Deputy Wilkinson's Case Activity Log and Closure Report reflect that he closed this case on May 25, 2001. It is noteworthy that the pictures of possible suspects, which he submitted with his closed case, were generated through LACRIS on June 19, 2001 (25 days after his stated cosure of the case and 50 days after he reportedly showed them to Ms. [redacted]. During his interview, Deputy Wilkinson said the photographs did not belong to the case, but were from another case. He said he had no knowledge as to how they ended up in the case they were in.

During his interview, Deputy Wilkinson provided specific information about his follow-up contact with the victim. The information can be reviewed beginning on page 71 of his transcribed interview.

Deputy Wilkinson's information which is specific to this incident can be found beginning on page 69 of his transcribed interview.

401-03604-2832-051 - Exhibit-0

This incident resulted n the f ling of charges 18,19, and 20 in the Grand Jury Indictment, Exhibit B. This incident involves an Assault with a Deadly Weapon (245 (a)(2) P.C) The First Report, Deputy Wilkinson's Case Activity Log, his Closure Report, and the investigative report prepared by Sergeant Garza, of Internal Criminal Investigations Bureau, are co lectively contained in this case as **Exhibit-O.**

The case was assigned to Deputy Wilkinson on March 5, 2001, and was submitted as a closed case to Sergeant Harris, in January 2002. However, according to Deputy Wilkinson's Case Activity Log and Closure Report, he closed the case on March 17, 2001.

The First Report details that on the afternoon of March 2, 2001, a 17 year old Hispanic male, who was a self-admitted ex-gang member, was shot with a B.B. gun, as he walked along the street. The First Report lists the two suspects only as male Hispanics, age 17-19. However, it provides a vehicle description.

Deputy Wilkinson s Case Activity Log and Closure Report reflect that he conf.rmed the victim was a gang member and was on probation. They reflect that he contacted the victim on March 17, 2001, but obtained no information.

> **I.A.B. Note:** Deputy Wilkinson's Case Act.vity Log reflects an entry dated March 17, 2001, that he contacted the victim, but was provided no additional information. His Closure Report is also dated March 1, 2001 According to Deputy Wilkinson's Payroll Time Records (Exhibit-G) he was not working on March 1, 2001. This was a Saturday and was his second of three days off.

No additional investigation is noted in the Case Act.vity Log. The Case Activ ty Log and the Closure Report reflect the case was closed on March 17, 2001, because there was no further workable information.

Sergeant Garza, of Internal Criminal Investigations Bureau, contacted the victim on January 31, 2002. The victim said he never spoke to anyone from the Sheriff's Department about the incident. He said a detective did go to his house, speak to his mother, and eave a business card However, he said he never called the detective and was never contacted again. The victim said the name Wilkinson may have been the name on the business card, but he never spoke to anyone.

During his interview, Deputy Wilkinson said he did complete a follow-up contact with the victim in this case, but he did not provide specific information about the contact.

Deputy Wilkinson's information which is specific to this incident can be found beginning on page 72 of his transcribed interview.

401-04138-2851-386 - Exhibit-P

This incident resulted in the filing of charges 21, 22, and 23 in the Grand Jury Indictment, Exhibit-B. This incident involves the theft of three bicycles from the rear yard of a house. The First Report, Deputy Wilkinson's Case Activity Log, his Closure Report, and the investigative report prepared by Sergeant Garza, of Internal Criminal Investigations Bureau, are collectively contained in this case as **Exhibit-P.**

The case was assigned to Deputy Wilkinson on March 14, 2001, and was submitted as a closed case to Sergeant Harris, in January 2002. However, according to Deputy Wilkinson's Case Activity Log and Closure Report, he closed the case on April 1, 2001.

The First Report details that on the afternoon of March 12, 2001, three Hispanic males stole three bicycles from the victim's rear yard. The First Report provides a very generic description on the three suspects. However, the narrative of the report reflects that the person who reported the crime said the three suspects were local neighborhood gang members.

Deputy Wilkinson's Case Activity Log and Closure Report reflect that he contacted the victim and the person who called the police on March 22, 2001, but received no additional information His Case Activity Log also reflects that he showed photos of gang members from [redacted] but no one could be identified as suspects. He closed the case on Apr'l 1, 2001.

Sergeant Garza, of Internal Criminal Investigations Bureau, contacted the victim ([redacted] on March 6, 2002. Ms. [redacted] said she was never contacted by any detective conducting follow-up on her stolen bicycles. She said she was never shown any pictures of possible suspects. She was shown a picture of Deputy Wilkinson and said he did not look familiar

> **I.A.B. Note:** There is some confusion as to who the actual victim is in this case. The First Report identifies [redacted] as the victim. Deputy Wilkinson's Case Activity Log identifies someone named [redacted] (FH/[redacted] as a second victim. His Case Activity Log also references [redacted]

> [redacted] Sergeant Garza's reports identify someone named [redacted] as the victim.
>
> On February 2, 2004, Sergeant Morris, of Internal Affairs Bureau, telephoned Mrs. [redacted] and had a recorded conversation with her. Mrs. [redacted] said [redacted] is her neighbor. He was a witness to the crime and the informant who spoke to the original responding deputies. She said she does not know who [redacted] is. She said she has never heard of that person. She said she spoke to Sergeant Garza about the incident and reiterated that she never spoke to anyone else, nor did she ever see pictures on possible suspects.

Sergeant Garza also spoke to [redacted] Mr. [redacted] said he never spoke to anyone from the Sheriff's Department who was conducting follow-up on the theft. He said he was never shown any picture of possible suspects.

During his interview, Deputy Wilkinson specifically recalled talking to Mr. [redacted] and said he spoke to him with the help of another male, about 20 years old, who translated for him. As evidence of the contact, Deputy Wilkinson directed attention to the face page of the First Report and the name of [redacted] as Victim #2, written in his handwriting. He said the only why he got that name was from either Mr. [redacted] or Ms. [redacted]

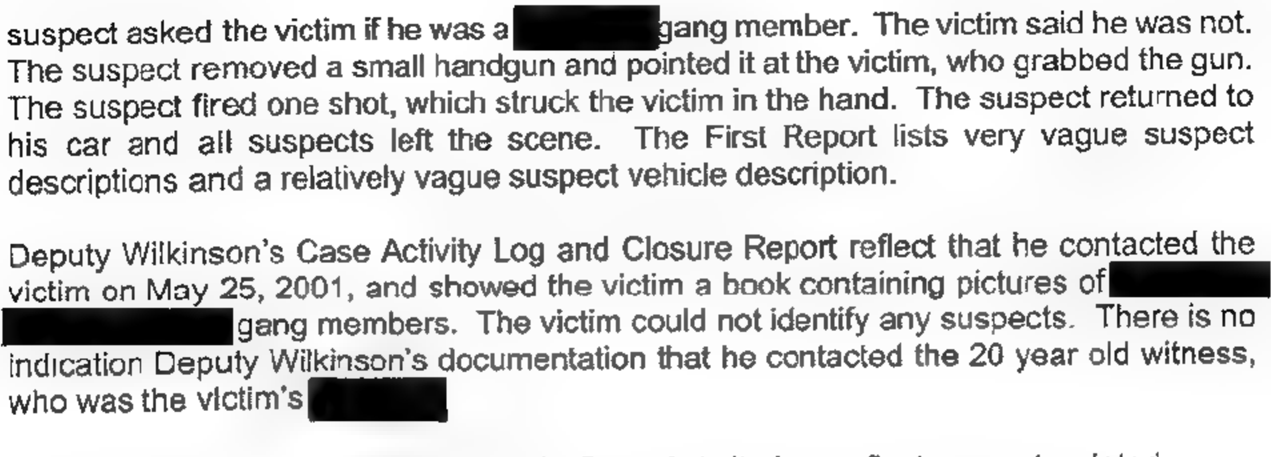
Deputy Wilkinson's information which is specific to this incident can be found beginning on page 69 of his transcribed interview.

401-07952-2823-051 - Exhibit-Q

This incident resulted in the filing of charges 24, 25, and 26 in the Grand Jury Indictment, Exhibit-B. This incident involves an Assault with a Deadly Weapon (245 (a)(2) P.C.). The First Report, Deputy Wilkinson's Case Activity Log, his Closure Report, and the investigative report prepared by Sergeant Garza, of Internal Criminal Investigations Bureau, are collectively contained in this case as **Exhibit-Q.**

The case was assigned to Deputy Wilkinson on May 22, 2001, and was submitted as a closed case to Sergeant Harris, in January 2002. However, according to Deputy Wilkinson's Case Activity Log and Closure Report, he closed the case on May 25, 2001.

The First Report details that on the night of May 17, 2001, a 29 year old black man was shot by an Hispanic man. Four male Hispanics stopped their vehicle in front of the victim's house. One of the men exited the car and contacted the victim on the sidewalk. The



suspect asked the victim if he was a [redacted] gang member. The victim said he was not. The suspect removed a small handgun and pointed it at the victim, who grabbed the gun. The suspect fired one shot, which struck the victim in the hand. The suspect returned to his car and all suspects left the scene. The First Report lists very vague suspect descriptions and a relatively vague suspect vehicle description.

Deputy Wilkinson's Case Activity Log and Closure Report reflect that he contacted the victim on May 25, 2001, and showed the victim a book containing pictures of [redacted] gang members. The victim could not identify any suspects. There is no indication Deputy Wilkinson's documentation that he contacted the 20 year old witness, who was the victim's [redacted]

> **I.A.B. Note:** Deputy Wilkinson's Case Activity Log reflects an entry dated May 25, 2001, that he contacted the victim and showed him pictures of possible suspects, but was provided no additional information. His Closure Report is also dated May 25, 2001. According to Deputy Wilkinson's Payroll Time Records (Exhibit-G) he was not working on May 25. This was the Friday of Memorial Day weekend and his first of four days off.

Sergeant Garza, of Internal Criminal Investigations Bureau, contacted the victim on January 29, 2002. The victim said he never spoke to anyone from the Sheriff's Department about the incident, except for the initial deputies who responded to the incident and wrote the First Report.

During his interview, Deputy Wilkinson provided specific information on the follow-up he conducted into this incident. He said he felt this case was not workable. He said the victim's story as to what happened was unbelievable, but he felt he could gather information to help him solve other cases. Deputy Wilkinson's information about this case can be found beginning on page 77.

Deputy Wilkinson's information which is specific to this incident can be found beginning on page 76 of his transcribed interview.

401-08046-2830-051 - Exhibit-R

This incident resulted in the filing of charges 27, 28, and 29 in the Grand Jury Indictment, Exhibit-B This incident involves an Assault with a Deadly Weapon (245 (a)(2) P.C.). The First Report, Deputy Wilkinson's Case Activity Log, his Closure Report, and the investigative report prepared by Sergeant Garza, of Internal Criminal Investigations Bureau, are collectively contained in this case as **Exhibit-R**.

The case was assigned to Deputy Wilkinson on May 21, 2001, and was submitted as a closed case to Sergeant Harris, in January 2002. However, according to Deputy Wilkinson's Case Activity Log and Closure Report, he closed the case on October 30, 2001.

The First Report details that on the night of May 19, 2001, several adults were in the back yard of a house having a party. During the party the arms of two black men were seen extend over the fence holding pistols and fired several bullets into the crowd. Two ndividual were shot and property damage occurred. 9mm and 45 caliber shell casings were recovered as evidence by the handling patrol deputies.

Deputy Wilkinson's Case Activity Log and Closure Report reflect that he attempted to contact the victims on May 21, 2001, but was not able to. It does not indicate which of the three vict ms he attempted to contact.

> **I.A.B. Note:** The First Report lists three victims to this incident. Each of the three victims provided different home addresses and phone numbers. One of the victims ([redacted]) was the resident at the home where the incident occurred.

The Case Activity Log reflects that the incident was possibly a retaliatory act because of a Search Warrant which was served at the house next door to the location two days earlier.

Deputy Wilkinson Case Activity Log also reflects that he attempted to contact the victims a second time on June 20, 2001, but was not successful. Again, the log does not reflect which of the three victims. Deputy Wilkinson noted on June 21, that he learned the victims had moved and left no forwarding address.

Deputy Wilkinson's Case Activity Log reflects that he closed the case on October 31, 2001, because there were no further leads, the victim never returned his phone calls, and the victim moved. Again, this entry does not reflect which of the three victims is being referenced, although in context one would presume he is referencing Victim [redacted] who was the resident of the home.

During his investigation into this incident, Sergeant Garza, of Internal Criminal nvestigations Bureau, located and interviewed all three victims. Victim [redacted] was contacted on February 7, 2002, at his home in this city of [redacted]

> **I.A.B. Note:** The home where Sergeant Garza contacted Victim [redacted] in the city of [redacted] was the same address provided for him in the First Report. Victim [redacted] had not moved.

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Stone said he never spoke to anyone from the Sheriff's Department who was conducting follow-up investigation into the incident and that he had not moved.

Sergeant Garza contacted Victim [redacted] on February 22, 2002, on the telephone (Sergeant Garza obtained Mr [redacted] phone number from Mr. [redacted]. Victim [redacted] provided Sergeant Garza with his new address in the city of [redacted] Victim [redacted] said no one from the Sheriff's Department ever contacted him to conduct follow-up investigation into the incident. He said he moved to his current residents in August of 2001.

> **I.A.B. Note:** Deputy Wilkinson Case Activity Log reflects that he learned the victim moved prior to June 21, 2001.
>
> On February 5, 2004, Sergeant Morris, of Internal Affairs Bureau, call Mr. [redacted] to obtain further clarification about his move to [redacted] Mr. [redacted] was not available, but his [redacted] was interviewed. Mrs. [redacted] said she and her [redacted] moved to [redacted] on September 9, 2001. She said until that time they live in their house on [redacted] in the city of [redacted] Based on Mrs. [redacted] information, she and her [redacted] lived at their house in [redacted] for 2 ½ months beyond the time Deputy Wilkinson noted that he learned they had moved.
>
> Mrs. [redacted] also said to her knowledge no one from the Sheriff's Department made any attempts to contact her were her husband about the incident. She said she never received business cards left at her door for messages left on their phone.

On March 5, 2002, Sergeant Garza contacted Victim [redacted] on the telephone. Victims [redacted] said he is still living at the same address provided to the initial handling deputies and noted on the First Report. Victim [redacted] said he was never contacted by anyone from the Sheriff's Department who was conducting follow-up investigation into the incident.

During his interview, Deputy Wilkinson provided a great deal of information into his follow-up of this case. He related this case to another case and because of the connection, he provided specific information.

Deputy Wilkinson's information which is specific to this incident can be found beginning on page 80 of his transcribed interview.

401-11296-2811-032 - Exhibit-S

This incident resulted in the filing of charges 30, 31, and 32 in the Grand Jury Indictment, Exhibit-B. This incident involves an Assault with a Deadly Weapon (245 (a)(2) P.C.) and an Attempted Robbery (664/211 P.C.). The First Report, Deputy Wilkinson's Case Activity Log, h s Closure Report, and the investigative report prepared by Sergeant Garza, of Internal Criminal Investigations Bureau, are collectively contained in this case as **Exhibit-S.**

The case was assigned to Deputy Wilkinson on July 12, 2001, and was submitted as a closed case to Sergeant Harris, in January 2002. However, according to Deputy Wilk nson's Case Activity Log and Closure Report, he closed the case on August 5, 2001.

The First Report details that on the afternoon of July12, 2001, two armed male blacks entered the One Price Clothing Store and attempted to rob it. However, the manager, who was the only person with the combination to the safe, ran out the rear door of the store. Apparently because they could not get the money, the suspects left location. The First Report listed relatively vague suspect descriptions, but provides a specific, albeit common, vehicle description.

Deputy Wilkinson's Case Activity Log and Closure Report reflect that he contacted one of the two victims ([redacted] on August 4, 2001, and showed her photographs of "[redacted]" game members. However, the victim could not identify any suspects Deputy Wilkinson's documents reflect he conducted no additional investigation and closed the case the next day.

Sergeant Garza of Internal Criminal Investigations Bureau, contacted the store manager ([redacted] on January 29, 2002. Ms.[redacted] said no one from the Sheriff's Department ever contacted her in order to conduct follow-up investigation into the incident. She said no one ever showed her pictures of potential suspects. She said to her knowledge, no one ever contacted the other employee ([redacted] either.

> **I.A.B. Note:** Ms. [redacted] is listed on the First Report as one of the victims to this incident. The narrative of the Report reflects that she to.d the handling patrol deputies she saw the two suspects in the store. There is no ndication in Deputy Wilkinson documentation that he ever contacted, or attempted to contact Victim.

Sergeant Garza also spoke to Victim [redacted] Ms. [redacted] said no one from the Sheriff's department ever contacted her to conduct follow-up investigation into the incident. She said she was never shown pictures of potential suspects. Victim [redacted] was shot a picture of Deputy Wilkinson. She said he did not look familiar to her.

During his interview, Deputy Wilkinson said he did not recall much about this particular case. He conceded that he may have put inaccurate information in his report and log, but said if he did it was not done with ill intent, but simply a mistake based on the high volume of work. Refer to page 84 of his transcribed interview.

Deputy Wilkinson's information which is specific to this incident can be found beginning on page 84 of his transcribed interview.

401-08514-2825-034 - Exhibit-T

This incident did not result in any criminal charges being filed against Deputy Wilkinson. However, it was investigated by Sergeant Garza as part of his criminal investigation. This incident involves the arrest of a 41 year old known gang member for the armed robbery (211 P.C.) of a convenience store. The First Report, Deputy Wilkinson's Case Activity Log, his Closure Report, and the investigative report prepared by Sergeant Garza, of Interna Criminal Investigations Bureau, are collectively contained in this case as **Exhibit-T.**

The case was assigned to Deputy Wilkinson on May 27, 2001, and was submitted as a closed case to Sergeant Harris, in January 2002. However, according to Deputy Wilkinsor's Case Activity Log and Closure Report, he closed the case on June 1, 2001.

The First Report details that on the evening of May 27, 2001, Compton Station patrol deputies arrested an individual or armed robbery of a small convenience store. The report details that the suspect secreted a few small items under his clothing and attempted to exit the store during which time he was confronted by one of the owners. The suspect reportedly withdrew a knife and threatened the victim, who backed away from the confrontation and allowed the suspect to leave the store with the merchandise.

The First Report provides information from a witness, who was a friend of the suspects, who characterized the incident as an attempted petty theft only.

The case was assigned to Deputy Wilkinson on May 27, 2001, as an "in-custody" case. Deputy Wilkinson's Case Activity Log and his Closure Report reflect that he conducted follow-up investigation into this case and subsequently released the suspect from custody pursuant to 849 (b)(1) P C. According to Deputy Wilkinson's documentation, he contacted

the two owners of the convenience store (who are [redacted]) and learned from them that they were uncertain if the suspect actually stole any merchandise. ***I.A.B. Note:*** *This information is indirect conflict to what is detailed in the First Report.* Deputy Wilkinson also reported that he interviewed the suspect at Century Regional Detention Facility, who denied stealing any merchandise. Deputy Wilkinson's documentation does not reflect that he conducted any additional investigation. Based on this information he released the suspect from custody.

> **I.A.B. Note:** According to Deputy Wilkinson's documentation, the suspect was a known gang member, who had recently been released from prison, and was on active parole. Deputy Wilkinson noted in his Case Activity Log that he notified State Parole.

On January 30, 2002, Sergeant Garza, of Internal Criminal Investigations Bureau, contacted the two victim owners of the convenience store. Both [redacted] said no one from the Sheriff's Department ever contacted him in order to conduct follow-up investigation into the incident. [redacted] was shown a photograph of Deputy Wilkinson and said he (Wilkinson) may have been the man who came to their store and introduced himself as the handling detective, but reiterated that the detective never questioned him about the incident.

Deputy Wilkinson's information about his follow-up into this case can be found beginning on page 86 of his transcribed interview.

401-02730-2811-037 - Exhibit-U

This incident did not result in any criminal charges being filed against Deputy Wilkinson. However it was investigated by Sergeant Garza as part of his criminal investigation. This incident involves the armed street robbery (211 P.C.)of a 37 year old female security guard at 3:30 in the morning for $10.00.

The First Report, Deputy Wilkinson's Case Activity Log, his Closure Report, and the investigative report prepared by Sergeant Garza, of Internal Criminal Investigations Bureau, are collectively contained in this case as **Exhibit-U.**

The case was assigned to Deputy Wilkinson on February 19, 2001, and was submitted as a closed case to his Supervisor, Sergeant Harris, in January 2002. However, according to Deputy Wilkinson's Case Activity Log and Closure Report, he closed the case on April 17, 2001

The First Report details that in the early morning hours of February 17, 2001, a female security guard was robbed of $10.00. The First Report provides a very generic suspect description. However, the victim told the handling patro deputies that she would be able to identify the suspect if she saw him again.

According to Deputy Wilkinson's documentation, he contacted the victim on April 17, 2001, after three previous failed attempts. Deputy Wilkinson reported that on that day he showed the victim photographs of [redacted] gang members, but the victim could not identify any suspect. Based on this lack of identification, Deputy Wilkinson closed the case.

Based on his documentation Deputy Wilkinson closed the case on April 17, 2001.

On February 20, 2002, Sergeant Garza, of Internal Criminal Investigations Bureau, contacted the victim at her home. The victim said no one from the Sheriff's Department has ever contacted her to conduct follow-up investigation about the incident. She said no one ever showed her photographs of potential suspects. The victim was shown a photograph of Deputy Wilkinson. She said he did not look familiar to her.

During his interview, Deputy Wilkinson specifically recalled contacting the victim at her place of employment and provided detail about the contact. Refer to page 88 of his transcribed interview.

401-03601-2811-031 - Exhibit-V

This incident did not result in any criminal charges being filed against Deputy Wilkinson. However, it was investigated by Sergeant Garza as part of his criminal investigation. This incident involves the armed street robbery (211 P.C.) of a 23-year-old black man, at 6 o'clock in the evening for his wallet.

The First Report, Deputy Wilkinson's Case Activity Log, his Closure Report, and the investigative report prepared by Sergeant Garza, of Internal Criminal Investigations Bureau, are collectively contained in this case as **Exhibit-V.**

The case was assigned to Deputy Wilkinson on March 5, 2001, and was submitted as a closed case to Sergeant Harris, in January 2002. However, according to Deputy Wilkinson's Case Activity Log and Closure Report, he did not conduct any further investigation after June 26, 2001, and closed the case on October 30, 2001.

The First Report details that at about 6 o'clock in the evening on March 2, 2001, the victim was approached by two male blacks, armed with handguns, who robbed him of his wallet.

The first Report provides an extremely generic suspect description.

According to Deputy Wilkinson's documentation, he contacted the victim on March 20, 2001, but was not given any additional information by the victim. Deputy Wilkinson noted in his Case Activity Log on June 20, 2001, that the investigation was continuing due to several similar armed robberies in the area and the possibility that the suspects were [redacted] gang members.

Deputy Wilkinson noted in his Case Activity Log, that on June 26, 2001, he contacted the victim and showed him pictures of [redacted] gang members, but the victim was unable to identify any suspects. Deputy Wilkinson closed the case on October 30, 2001.

On January 29, 2002, Sergeant Garza, of Internal Criminal Investigations Bureau, contacted the victim. The victim said no one from the Sheriff's Department has ever contacted him conducting follow-up investigation regarding the incident.

During his interview, Deputy Wilkinson was not able to provide specific information about his follow-up into this case, but generally provided information and said he did contact the victim. Refer to page 89 of Deputy Wilkinson's transcribed interview for the information he provided about this incident.

401-05949-2830-053 - Exhibit-W

This incident did not result in any criminal charges being filed against Deputy Wilkinson. However, it was investigated by Sergeant Garza as part of his criminal investigation. This incident involves the assault of a woman by another woman (245 (a)(1) P.C.). There is indication in the First Report the assault may have been related to a narcotic debt.

The case was assigned to Deputy Wilkinson on April 16, 2001, and was submitted as a closed case to Sergeant Harris, in January 2002. However, according to Deputy Wilkinson's Case Activity Log and Closure Report, he closed the case on June 1, 2001.

The First Report, Deputy Wilkinson's Case Activity Log, his Closure Report, and the investigative report prepared by Sergeant Garza, of Internal Criminal Investigations Bureau, are collectively contained in this case as **Exhibit-W.**

The First Report details that at about 10:30 AM, on the morning of April 13, 2001, a black woman approached the victim near her home and began striking her multiple times with an unknown object. An 83 year old male neighbor witnessed the attack. The victim provided patrol deputies with the first name of the suspect, vehicles which the suspect drove,

including the one which was driven at the time of the incident, and the suspects likely address.

According to Deputy Wilkinson's documentation, he contacted the victim on April 28, 2001, and learned she was not desirous of prosecution and no longer wanted the case pursuit.

> **I.A.B. Note:** According to Deputy Wilkinson's Payroll Time Records (Exhibit-G) he was not working on April 28, 2001. This was a Saturday and his second of two days off.

Deputy Wilkinson's documentat on also reflects that through June 1, 2001 he made several additional unsuccessful attempts to contact the victim in order to ascertain if she had reconsidered following through on prosecution. The closed the case on June 1, 2001.

On February 4, 2002, Sergeant Garza, of Internal Criminal Investigations Bureau, contacted the victim. The victim said no one from the Sheriff's Department has ever contacted her conducting follow-up investigation regarding the incident. She added that subsequent to the incident she repeatedly called the Sheriff's station to check on the status of the case, but no one ever returned her calls. The victim said the name of Detective Wilkinson did not sound familiar to her. The victim was shown a photograph of Deputy Wilkinson. She said he did not look familiar to her.

During his interview, Deputy Wilkinson provided specific information about his attempts to contact the victim in this case. Refer to page 90 of his transcribed interview.

Exhibit-X (Five related reports)

The following five cases appear to be related and were investigated by Deputy Wilkinson as related cases. Four of the cases involve an Assault with a Deadly Weapon- Firearm (245 (a)(2) P.C.) and one of them nvolves a Shooting at an Inhabited Dwelling (246 P.C.) The incidents occurred on the following dates: One on December, 27, 2000, two, six days later on January 2, 2001, one the following day on January 3, 2001, and the final one three months later on April 5, 2001.

According to Deputy Wilkinson documentation he was contacted by someone from the Firearms Section of the Sheriff's Crime Lab on March 23, 2001, and was informed that the shell casings from the first four incidents match one another, as coming from the same gun

Subsequent to the fifth incident, a Search Warrant was served on the home of one of the possible suspects and an SKS Assault Rifle (7.62 X 39) was recovered, as well as several

other guns. The SKS rifle was determined to be the gun used in all five incidents Once the gun was recovered, Deputy Wilkinson closed the four prior cases alleged y without conducting any additional investigation.

According to his documentation, the individual who was arrested for possessing the gun was charged with a weapons violation.

> **I.A.B. Note:** Sergeant Garza, of Internal Criminal Investigations Bureau, wrote a single investigative report covering his investigation into these five cases. That report is incorporated within **Exhibit X-1**

Beginning on page 92 of his transcribed interview, Deputy Wilkinson provided specific and in depth information into his follow-up investigation of these cases and how they all related to one another. He gave no explanation as to why none of his investigation was ever documented.

[redacted] **- Exhibit-X1**

This incident is chronologically the first in the series of five. The First Report details that on the evening of December 27, 2000, the victim started an argument with several other male blacks in a liquor store. The argument evolved into a fight, which migrated to the parking, lot where the victim was shot. The First Report does not list how many times the victims was shot. It only lists it as "several." Eleven AK-47 (7.62 X 39) shell casings were recovered from the location. Additionally a video tape of the events inside the store was taken as evidence by the handling patrol deputies.

There is no Case Activity Log or Closure Report attached with this First Report. Specifically when it was assigned to Deputy Wilkinson is unclear, but the case is referenced in the Case Activity Logs relating the other incidents. No apparent follow up was conducted. The two store clerks were identified as witnesses, although they didn't witness the actual shooting, they did witness the argument and subsequent fight prior to the shooting. There is no indication Deputy Wilkinson interviewed these indviduals in an effort to identify the participants on the incident in general. The handling patrol deputies obtained a video tape from the store's video camera. Although the tape does not capture the shooting, it does capture the argument and fight. Beginning on page 92 of his interview transcription, Deputy Wilkinson acknowledged a vague memory of a video tape because he was able to identify the participants of the fight, but there is no indication Deputy Wilkinson used that identification to assist in building a case against any suspects.

401-00120-2872-051 - Exhibit-X2

This incident is chrono ogically tne second in the series of five. The First Report details that on the evening of January 2, 2001, three black males were shot near 149th Street and Stanford Avenue. One of the victims was found at that location and the other two were located near the intersection of Central Avenue and Rosecrans Avenue. A l three victims were uncooperat.ve with the handling patrol deputies The handling patrol deput.es recovered eleven 7.62 X 39 shell casing.

The case was assigned to Deputy Wilkinson on January 3, 2001, and was submitted as a closed case to Sergeant Harris, in January 2002. However, according to Deputy Wilkinson's Case Activity Log and Closure Report, he closed the case on May 17, 2001. There is no Closure report associated with this case.

According to Deputy Wilkinson's Case Activity Log, he immediately associated the this case w.th the prior one Based on his Case Activity Log, he contacted one of the three victims on January 9, 2001, but never contacted the others. No otner investigation is referenced in his Case Activity Log.

401-00125-2873-051 - Exhibit-X3

This incident is chronologically the third in the series of five. The First Report details that on the evening of January 2, 2001, (two hours after the previous incident). In this incident multiple bullets were fired at the victims house. The handling patrol deputies recovered sixteen 7.62 X 39 shell casings. The First Report reflects no suspect description.

The case was assigned to Deputy Wilkinson on January 3, 2001, and was submitted as a closed case to Sergeant Harris, in January 2002. However, according to Deputy Wilkinson's Case Activity Log and Closure Report, he closed the case on May 18, 2001.

According to Deputy Wilkinson's Case Activity Log he immediate y associated the this case with the prior ones. Based on h s Case Activity Log he contacted no investigation into this incident.

He closed the case on May 18, 2001, subsequent to the recovery of the involved weapon.

401-00146-2873-051 - Exhibit-X4

This incident is chronologically the forth in the series of five. The First Report details that during the early morning hours of January 3, 2001, (six hours after the previous incident)

patrol deputies responded and found an abandoned vehicle parked on the street. The vehicle had bullet holes in it and several expended shell casing were recovered from the vehicles interior, including 7.63 X 39 casings. No suspects or victims were located and the incident was documented as a "Suspicious Circumstance."

The handling patrol deputies had the vehicle towed and stored, and they also requested the vehicle be fingerprinted. In the First Report, the handling deputy (Deputy E. Aguirre #[redacted]) hypothesized that the occupants were likely shooting at someone and were shot at.

The case was assigned to Deputy Wilkinson on January 4, 2001, and was submitted as a closed case to Sergeant Harris, in January 2002. However, according to Deputy Wilkinson's Case Activity Log and Closure Report, he closed the case on May 18, 2001.

According to Deputy Wilkinson's Case Activity Log he immediately associated the this case with the prior ones and also identified the car as associated with the "[redacted]" gang. His Case Activity Log reflects the vehicle was released prior to being finger printed.

Deputy Wilkinson's Case Activity Log does not reflect that he conducted any investigation into this incident.

He closed the case on May 18, 2001, subsequent to the recovery of the involved weapon.

Exhibit-X5 401-05474-2873-051

This incident is chronologically the fifth and final in the series of five. The first four incidents occurred within a six day period and three of the four were within a few hours of one another. This incident occurred three months later. The First Report details that on the evening of April 5, 2001, two vehicles, each occupied with gang members (seven total), engaged in a shoot out. Two individuals were shot during the incident. Four of the involved persons were identified by name and this incident led to a Search Warrant being served on one of their houses. It was during the service of the Search Warrant, that the SKS Assault rifle was recovered.

There is no Case Activity Log or Closure Report associated with this incident. However, Deputy Wilkinson did submit a Supplementary report detailing his recovery of the weapon.

Subsequent examination of the rifle confirmed it was the weapon used in all five incidents.

There is no documentation which reflects any follow-up investigation was conducted into this shooting. Additionally, there is no documentation that the identification of this weapon as being the weapon used in the other incidents was followed up. The documentation in all five cases reflects that the recovery and identification of the weapon prompted the closure of the cases.

During his interview Deputy Wilkinson described a great deal of follow-up which he conducted and said he, in fact, fe t he had solved the crimes, in that he knew who committed them, but he did not have the evidence to prove his belief. There is no documentation of the investigation Deputy Wilkinson reported he conducted. Deputy Wilk nson's information regarding his investigation into this series of incident can be found beginning on page92 of his transcribed interview.

Exhibit-Y (Seven cases)

The following seven cases were investigated as part of the overall Internal Criminal Investigations Bureau case. They were also part of the 74 cases submitted by Deputy Wilkinson in January 2002. Deputy Wilkinson's handl ng and closure of these cases follows the same pattern as the previous cases. Deputy Wilkinson's documentation reflects that the cases were closed either because the victims/witnesses were unable to identify suspects from photographs, or because the victims were no longer desirous of prosecution regarding the incident.

The victims and/or witnesses to these incident were not ab e to be located in order to support or refute the information which Deputy Wilkinson documented.

All seven of these cases were closed between May 25, 2001, and July 30, 2001, but were not submitted for approval until January 2002.

In some of these incident there is a conflict between the information which Deputy Wilkinson documented in his Case Activity in Log and his Payroll Time Records.

For each incident, the First Report, Deputy Wilkinson's Case Activity Log, his Closure Report, and the investigative report prepared by Sergeant Garza, of Internal Criminal Investigations Bureau are collectively contained in this case as **Exhibit Y-1** thru **Exhibit Y-7**.

Each of Sergeant Garza's investigative reports will explain the investigative dead end reached in each incident.

Notwithstanding the conflict in Deputy Wilkinson's Time Records, the victim told Sergeant Garza, of Internal Criminal Investigations Bureau, he was contacted by a detective and shown a series of photographs of possible suspect. The victim was shown a picture of Deputy Wilkinson and said he was a detective who showed him photographs.

401-00185-2873-041 - Exhibit-Z2

This incident involves the strong arm robbery and 18 year old male who is delivering a pizza or $18 cash and a pizza.

The case was assigned to Deputy Wilkinson on January 4, 2001, and was submitted as a closed case to his Supervisor, Sergeant Harris, in January 2002. However, according to Deputy Wilkinson's Case Activity Log, he closed the case on February 13, 2001.

Deputy Wilkinson's Case Activity Log and Closure Report reflect that on January 29, 2001, he contacted the victim and drove the victim to the area of the robbery in an effort to conduct follow-up investigation. He also show the victim photographs of "[redacted]" gang members, by the victim was not able to identify any suspects.

The victim was interviewed by Sergeant Garza, of Internal Criminal Investigations Bureau, on February 18, 2003. The victim concurred with the information provided n Deputy Wilk nson's Case Activity Log and Closure Report.

There is one conflict between the victim's information and information provided by Deputy Wilkinson. Deputy Wilkinson's documentation reflects that he contacted the victim on January 29, 2001 (26 days after the incident). The victim told Sergeant Garza Deputy Wilkinson contacted him and conducted the follow-up investigation the day after the incident (January 4, 2001).

401-17640-2852-290 - Exhibit-Z3

This incident involves the arrest the 31-year-old Hispanic man for Receiving Known Stolen Property (496 P.C.) on October 30, 2001.

Case Activity Log or Closure Report by Deputy Wilkinson is available. Deputy Wilkinson filed this case with the District Attorney's Office on November 1, 2001. The case was filed based solely on the information contained in the First Report and it appears no-fault investigation was needed or conducted. This would explain the absence of a Case Activity Log.



County of Los Angeles
Sheriff's Department Headquarters
4700 Ramona Boulevard
Monterey Park, California 91754-2169



LEROY D. BACA SHERIFF

September 7, 2004

Deputy Darrin Wilkinson, #[redacted]


[redacted]

Deputy Wilkinson:

You are hereby notified that it is the intention of the Sheriff's Department to discharge you from your position of Deputy Sheriff, Item No. 2708A, with this Department, effective at the close of business on September 28, 2004.

An investigation under File Number IAB 2056234, conducted by Internal Affairs Bureau, coupled with your own statements, has established the following:

1. That in violation of Manual of Policy and Procedures Sections 3-01/030.05, General Behavior; and/or 3-01/100.35, False Information in Records; and/or 3-01/050.10, Performance to Standards, on or about January 2002, you provided false information in official reports involving one criminal case in which you were convicted of a misdemeanor as part of a plea negotiation. Additionally, there were several other cases wherein your work product failed to maintain the standards established by the Sheriff's Department for criminal investigations, in that what you stated in your case log was contradicted by the statements of victims and/or witnesses, and/or you failed to properly investigate your cases by failing to interview victims and/or witnesses, and/or pursue workable leads. This is evidenced by, but not limited to:

   a) <u>Case #4-01-02252</u>
   You stated in your case activity log that you contacted the victim who was "uncooperative," even though at least one of the victims said he was never contacted by you. You later

A Tradition of Service

admitted there were some leads that were not pursued.

b) Case #7 01-06664
In your case activity log, you stated you contacted the victim and showed her pictures of "[redacted]" but received no suspect identification from her. During the course of this investigation, the victim was contacted. She indicated she was never contacted by an investigating deputy and never shown the pictures in question. The photos that were in the case file and were allegedly shown to the victim on April 30, 2001, were actually taken from LACRIS on June 25, 2001, some 25 days after the case was closed and 50 days after they were allegedly shown to the victim.

c) Case #11-01-08046
Your case activity log indicates you tried to contact the victims on June 21, 2001, "but found they had moved." During the course of this investigation, the three victims were contacted and one stated he had not moved, another said he had moved in August 2001, and the third said he was never contacted and had never moved.

d) Case #12-01-11296
Your case activity log details you contacting a victim and showing photos from the gang, "[redacted]" During the course of this investigation, both victims were contacted and neither said they were contacted by an investigator, nor shown photos of possible suspects. You admitted in your interview that you may have put inaccurate information into your report and log.

By your actions, you have brought discredit upon yourself and the Los Angeles County Sheriff's Department.

You may respond to the intended action orally or in writing. In the event that you choose to respond orally to these charges, you have already been scheduled to meet with Chief Sandra Hutchens on September 23, 2004, at 1400 hours, in her office, which is located at Sheriff's Headquarters Building, 4700 Ramona Boulevard, Monterey Park, on the 4th Floor. If you are unable to appear at the scheduled time and wish to schedule some other time prior to September 23, 2004, for your oral response, please call Chief Hutchens' secretary at [redacted]

[redacted] for an appointment.

If you choose to respond in writing, please call Chief Hutchens' secretary to cancel your scheduled appointment, and send your response to the facts contained in this letter to Chief Hutchens office by no later than September 23, 2004.

Unless you are currently on some other type of authorized leave, pursuant to Rule 16.01 of the Los Angeles County Civil Service Commission Rules, effective immediately, you are on paid administrative leave which will continue during the fifteen (15) business days you have to respond to the intended discharge or until the conclusion of your pre-disciplinary hearing. If you are presently on an authorized leave, that leave will continue during the fifteen (15) business days you have to respond to the intended discharge, or until the conclusion of your pre-disciplinary hearing.

Failure to respond to this Letter of Intent within fifteen (15) business days will be considered a waiver of your right to respond and will result in the imposition of the discipline indicated herein.

If you did not receive the investigative material on which your discipline is based at the time you were served with this correspondence, you may contact the Internal Affairs Bureau at (323) 890-5300, to obtain a copy of the case file.

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

LEROY D. BACA, SHERIFF

Gregory H. Johnson, A/Captain
Commander, Internal Affairs Bureau

Note: Attached for your convenience are excerpts of the applicable areas of the Manual of Policy and Procedures.

EBS.lh

c: Advocacy Unit
Employee Relations Unit
Chief Sandra Hutchens, Office of Homeland Security
Internal Affairs Bureau
Office of Independent Review (OIR)
(File #2056234)



CIVIL SERVICE COMMISSION
COUNTY OF LOS ANGELES

January 17, 2007

FINAL COMMISSION ACTION

Subject of Hearing: In the matter of the **suspension** not to exceed thirty (30) days following judgment of a criminal matter, effective July 27, 2002, **suspension** not to exceed thirty (30) days following judgment of a criminal matter, effective July 10, 2003, and **discharge**, effective September 28, 2004, of **DARRIN WILKINSON (Case No. 02-267)**, from the position of Deputy Sheriff, Sheriff's Department.

The Civil Service Commission, at its meeting held on January 10, 2007, approved the Hearing Officer's report in the above-entitled case. The objections submitted were overruled.

Since a copy of this report has already been provided to all the parties, we have enclosed a copy of the signed formal order of the Commission for your records.

Anyone desiring to seek review of this decision by the Superior Court may do so under Section 1085 or 1094.6 of the Code of Civil Procedure, as appropriate. An action under Section 1094.6 can only be commenced within 90 days of the decision.

Nancy Beezy Micon
Executive Officer

c: Darrin Wilkinson
Elizabeth J. Gibbons
Jeffrey M. Hausman
Richard C. Wulliger

ROOM 522 KENNETH HAHN HALL OF ADMINISTRATION • 500 W. TEMPLE STREET, LOS ANGELES, CA 90012 • TELEPHONE (213) 974-2411 • FAX (213) 974-2534

BEFORE THE CIVIL SERVICE COMMISSION OF THE

COUNTY OF LOS ANGELES

In the matter of the **suspension** not to exceed thirty (30) days following judgment of a criminal matter, effective July 27, 2002, **suspension** not to exceed thirty (30) days following judgment of a criminal matter, effective July 10, 2003, and **discharge**, effective September 28, 2004, from the position of Deputy Sheriff, Sheriff's Department, of:

DARRIN WILKINSON
(Case No. 02-267)

ORDER OF THE CIVIL SERVICE COMMISSION

On January 10, 2007, the Civil Service Commission of the County of Los Angeles, having read the foregoing report and conclusions of law, and good cause appearing therefor, overruled the objections and adopted, as constituting its final decision, the report and recommendation of its duly appointed Hearing Officer, Richard C. Wulliger, to deny the appellant's motions, to deny any request to proceed, and to terminate the Commission's involvement in this case. Commissioner Binch dissented, noting that issues that were reported by the Hearing Officer were never certified by the Commission, his concerns about Conclusion of Law #2, that the Commission lacks jurisdiction in this matter, and that the Hearing Officer's report needs findings of fact. (Commissioner Martinez was excused and did not participate in the decision in this matter.)

Dated this 17th day of January 2007.

Z. GREG KAHWAJIAN, President

(dissented) FRANK BINCH, Member

VANGE FELTON, Member

CAROL FOX, Member

(excused – did not participate) EVELYN MARTINEZ, Member

LOS ANGELES COUNTY

CIVIL SERVICE COMMISSION

DARRIN WILKINSON Appellant v LOS ANGELES COUNTY SHERIFF'S DEPARTMENT Respondent	Case Numbers 02-267, 03-290, 04-393 RECOMMENDED DECISION

APPEARANCES

For Appellant Elizabeth J Gibbons

For Respondent: Jeffrey M Hausman

CHRONOLOGY

On June 27, 2002 Appellant Darrin Wilkinson was suspended for 30 days

On July 10 2003 Appellant was suspended for 30 days

On September 28, 2004, Appellant was discharged

Appellant appealed all of these, hearings were granted and the cases consolidated

On August 8 2005 there was a brief hearing before the Civil Service Commission Hearing Officer

On August 16, 2005, Appellant's disability retirement was granted, effective September 29, 2004

On October 7, 2005, there was the next hearing before the Hearing Officer and the parties announced that they had settled the second suspension and discharge:

The Department withdrew that suspension and discharge, Appellant waived all claims, his personnel records would reflect settlement, Appellant withdrew his appeals and the settlement was based on his disability retirement effective September 29, 2004

The hearing as to the 2d suspension was continued until after a decision would be rendered in the [redacted] case, interpreting Civil Service Commission rule 18.01 A under which Appellant had been suspended

On October 27, 2005, the Commission approved the withdrawal of the appeals

On April 26, 2006, the [redacted] decision was rendered by the District Court of Appeals

On July 18, 2006, the Civil Service Commission hearing was resumed before the Hearing Officer and Appellant made two motions:

To proceed with the hearing on the merits respecting the 1st suspension and to rescind the settlement respecting the 2d suspension and discharge because of failure of consideration, misrepresentation, mistake and other grounds; the Department opposed both motions, citing among other reasons, lack of jurisdiction by the Commission. The matters were submitted to the Hearing Officer for decision

ISSUES

1 Should the Civil Service Commission proceed to hearing on the merits of the 1st suspension or not ?

2. Should the Civil Service Commission rescind the settlement of the 2d suspension and discharge and its approval of Appellant's withdrawal of his appeals or not?

DISCUSSION

1 The parties and the Hearing Officer had continued the hearing from August 8. 2005, until the District Court of Appeals rendered its decision in [redacted] hopefully interpreting section 18.01A. The Court in [redacted] v Los Angeles County Civil Service Commission, 137 CA 4th 1255, 2006, made its decision and the Civil Service Commission hearing resumed on July 18, 2006 The Court declined to interpret 18.01A (because of the following ruling) and limited its decision determining the jurisdiction of the Los Angeles County Civil Service Commission. In [redacted] a deputy sheriff was suspended pursuant to that section and in April 2001 he requested a Civil Service hearing; it was granted. He retired in February 2002. The hearing was held in July 2002 and the hearing officer ruled in his favor but the Commission sustained the suspension on the merits in favor of the Department. [redacted] appealed to the Los Angeles Superior Court which upheld the Commission decision to suspend and he appealed to the District Court of Appeals. That Court held that once [redacted] had retired or resigned in February 2002, the Commission had no jurisdiction to hear his appeal of his suspension. (The Court mentioned certain exceptions not applicable to either [redacted] or the instant case). The Court decided that the Commission has only the jurisdiction granted by the County Charter and the Charter did not give it jurisdiction to hear appeals after resignation or retirement and in fact denied that power. The Court said that this is true even where the Department had not raised the jurisdiction issue in the trial court. Once an employee resigns or retires, the Commission has no jurisdiction to proceed respecting his suspension.

In the instant case, Appellant retired effective September 29 2004, at which point the Commission lost jurisdiction over his appeal of his 1st suspension in 2002. Even if the Commission had proceed to a full hearing and decision on the appeal (as it did in [redacted], the Commission would have no jurisdiction; here the hearing had barely commenced in August of 2005. Should Appellant argue that the retirement took place on August 16,

2005 when the County announced his retirement (effective September 29, 2004), the Commission's jurisdiction would have ended then.

Jurisdiction cannot be conferred by waiver, agreement, mistake, misrepresentation or any other means.

Because of the [redacted] ruling, we are precluded from hearing the merits of 18.01A

The conclusion must be that the Los Angeles County Civil Service Commission has no jurisdiction and cannot proceed with the appeal of the 1st suspension and so Appellant's motion is denied.

2.On October 7 2005, the parties stipulated to a settlement of the 2d suspension and the discharge on terms as set forth above and on October 27, 2005, the Commission accepted Appellant's withdrawal of his appeals. At the next hearing on July 18, 2006 Appellant moved to rescind the settlement and to proceed to hearing on the merits, the Department opposed the motion. Appellant alleged that the Department failed to show in its records that Appellant had retired and instead carried him as discharged and as a result his new employer (a private company) terminated him. Appellant also alleged misrepresentation by the Department, mistake and failure of consideration as grounds for rescinding the settlement. The Department denied that there were grounds for rescission and in any event asserted that the Commission had no jurisdiction to set aside the settlement or its approval of Appellant's withdrawal of his appeals.

We need not and in fact must not determine whether there are grounds for rescission and thus whether there should be rescission simply because the Commission has no jurisdiction to so determine. The Civil Service Commission only has such authority granted by the County Charter and nothing in that allows the Commission to rescind the settlement or set aside its approval of the withdrawal of appeal. Jurisdiction cannot be conferred by waiver, agreement ao any other grounds including those alleged by Appellant. Civil Service rule 4.13 cited by Appellant is concerned only with procedure for hearings and has nothing to do with jurisdiction and does not preclude other actions of the Commission. Even if Appellant could prevail in a civil action to rescind the settlement on any or all of the grounds alleged, nevertheless this does not confer jurisdiction on the Commission. Relief in

another forum might be available to Appellant.

Thus we conclude that the Los Angeles County Civil Service Commission has no jurisdiction to rescind the settlement and the acceptance by the Commission of Appellant's withdrawal of his appeal regarding the 2d suspension and discharge and so his motion is denied.

(Appellant asked that judicial notice be taken of certain documents. Apart from whether that is appropriate or timely, the documents are irrelevant: an unfair employee practice charge, a Civil Service Commission hearing officer's decision in another case several years ago and hearing notices in other cases; additionally, exhibit D was not attached to the request. The request is denied).

FINDINGS OF FACT

There were no factual issues to be resolved

CONCLUSIONS OF LAW

1. The Los Angeles County Civil Service Commission has no jurisdiction to proceed with the appeal of the 1st suspension and so the motion is denied

2. The Los Angeles County Civil Service Commission has no jurisdiction to rescind the settlement and its approval of the withdrawal of Applleiant's appeal respecting the 2d suspension and discharge or to proceed and so the motion is denied

3. The request to take judicial notice is denied

RECOMMENDATION

The Civil Service Commission should deny Appellant's motions, deny any request to proceed and terminate the Commission's involvement in this case

August 10, 2006

Richard C Wulliger, Hearing Officer



LEROY D. BACA, SHERIFF

County of Los Angeles
Sheriff's Department Headquarters
4700 Ramona Boulevard
Monterey Park, California 91754-2169



September 24, 2004



Deputy Darrin Wilkinson, #[redacted]

Deputy Wilkinson:

On September 7, 2004, you were served with a Letter of Intention indicating your right to respond to the Sheriff's Department's pending disciplinary action against you, as reported under File Number IAB 2056234. You were also advised of your right to review the material on which the discipline was based.

You did exercise your right to respond. However, after review and consideration of the response submitted to support your position, your Division Chief determined that the recommended discipline is appropriate.

You are hereby notified that you are discharged from your position of Deputy Sheriff, Item No. 2708A, with this Department, effective as of the close of business on September 28, 2004.

An investigation under File Number IAB 2056234, conducted by Internal Affairs Bureau, coupled with your own statements, has established the following:

1. That in violation of Manual of Policy and Procedures Sections 3-01/030.05, General Behavior; and/or 3-01/100.35, False Information in Records; and/or 3-01/050.10, Performance to Standards, on or about January 2002, you provided false information in official reports involving one criminal case in which you were convicted of a misdemeanor as part of a plea negotiation. Additionally, there were several other cases wherein your work product failed to maintain the standards established by the Sheriff's Department for criminal investigations, in that what you stated in your case log was contradicted by the statements of victims and/or witnesses, and/or you failed to properly investigate your cases by failing to interview victims and/or witnesses, and/or pursue workable leads. This is evidenced by, but not limited to:

a) Case #4-01-02252
You stated in your case activity log that you contacted the victim who was "uncooperative," even though at least one of the victims said he was never contacted by you. You later admitted there were some leads that were not pursued.

b) Case #7-01-06664
In your case activity log, you stated you contacted the victim and showed her pictures of "[redacted]" but received no suspect identification from her. During the course of this investigation, the victim was contacted. She indicated she was never contacted by an investigating deputy and never shown the pictures in question. The photos that were in the case file and were allegedly shown to the victim on April 30, 2001, were actually taken from LACRIS on June 25, 2001, some 25 days after the case was closed and 50 days after they were allegedly shown to the victim.

c) Case #11-01-08046
Your case activity log indicates you tried to contact the victims on June 21, 2001, "but found they had moved." During the course of this investigation, the three victims were contacted and one stated he had not moved, another said he had moved in August 2001, and the third said he was never contacted and had never moved.

d) Case #12-01-11296
Your case activity log details you contacting a victim and showing photos from the gang, "[redacted]" During the course of this investigation, both victims were contacted and neither said they were contacted by an investigator, nor shown photos of possible suspects. You admitted in your interview that you may have put inaccurate information into your report and log.

By your actions, you have brought discredit upon yourself and the Los Angeles County Sheriff's Department.

In taking this disciplinary action, your record with this Department has been considered, and a thorough review of this incident has been made by Department executives, including your Unit and Division Commanders.

You may appeal the Department's action in this matter pursuant to Rules 4.02, 4.05 and 18.02 of the Civil Service Rules.

You may, if you so desire, within fifteen (15) business days from the date of service of this notice of discharge, request a hearing on these charges before the Los Angeles County Civil Service Commission, 222 North Grand Avenue, Los Angeles, California 90012.

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

LEROY D. BACA, SHERIFF

Larry L. Walde

LARRY L. WALDE
ASSISTANT SHERIFF

Note: Attached for your convenience are excerpts of the applicable areas of the Manual of Policy and Procedures and Civil Service Rules.

LLW:WJM:EBS:av

c: Advocacy Unit
Sandra Hutchens, Chief, Office of Homeland Security
Peter G. Amico, Captain, Safe Streets Bureau
Internal Affairs Bureau
Office of Independent Review (OIR)
Bruce Pollack, Captain, Personnel Administration